

**REMARKS/ARGUMENTS**

Claims 1-39 are pending in this Application.

Claims 1, 13, 22, 31, and 36 are currently amended. Claims 11, 20, 28, 35, and 37 have been canceled. Applicants submit that support for the claim amendments and the newly added claims can be found throughout the specification and the drawings.

Claims 1-10, 12-19, 21-27, 29-34, 36, 38, and 39 are now pending in the Application after entry of this Amendment. No new matter has been entered.

In the Office Action, claims 11, 20, 28, 35 and 37 stand rejected under 35 U.S.C. § 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Claims 1-39 stand rejected under 35 U.S.C. § 103(a) as being unpatentable over U.S. Patent No. 5,488,648 to Womble (hereinafter "Womble") in view of either U.S. Patent No. 3,324,458 to MacArthur (hereinafter MacArthur), U.S. Patent No. 3,351,910 to Miller et al. (hereinafter "Miller"), U.S. Patent No. 4,994,986 to Cihwsky et al. (hereinafter "Cihwsky"), or U.S. Patent Publication No. 2004/0044500 to Lu (hereinafter "Lu").

**Claim Rejections Under 35 U.S. C. § 112, Second Paragraph**

Applicants respectfully traverse the rejections the rejections of claims 11, 20, 28, 35, and 37 under 35 U.S.C. § 112, second paragraph. Additionally, in order to expedite prosecution of the Applications, Applicants have cancelled claims 11, 20, 28, 35, and 37. Applicants reserve the right to prosecute the subject matter of the cancelled claims in claims of continuation applications. Accordingly, Applicants respectfully request withdrawal of the corresponding rejection under 35 U.S.C. § 112, second paragraph.

**Claim Rejections Under 35 U.S. C. § 103(a)**

Applicants respectfully traverse the rejections and request reconsideration and withdrawal of the rejections under 35 U.S.C. § 103(a) based on Womble in view of MacArther, Miller, Cihwsky, or Lu. The Office Action alleges that the combination of references teach or disclose all of the claimed limitations of the corresponding claims and that one having ordinary

skill in that art at the time of the invention would have been motivated to incorporate the teachings of Womble with the teachings of MacArther, Miller, Cihiwsky, or Lu.

Applicants respectfully submit that a prima facie case of obviousness has not been established by the evidence presented in the Office Action. In order to establish a prima facie showing of obviousness, three requirements must be satisfied: all limitations of a pending claim must be expressly or impliedly disclosed by prior art references; there must be a suggestion or motivation in the art for the ordinarily skilled artisan to combine the limitations; and there must be a reasonable expectation of success in making such a combination. (M.P.E.P. § 2143).

In light of the above-recited requirements, Applicants respectfully submit that Womble and MacArther, Miller, Cihiwsky, or Lu, either individually or in combination, fail to teach or suggest at least one of the claimed limitations recited in each of the corresponding claims.

### Claim 1

Amended claim 1 recites method for capturing information for activity in a database, the database including one or more sessions that may or may not be active over a period of time. As recited in claim 1, a plurality of times is determined to sample the database. As further recited in claim 1, at each of the each plurality of times, the following steps are performed:

- *determining one or more active sessions from the one or more sessions included in the database that are active at the time, the one or more active sessions associated with operations being performed in the database at the time of sampling*
- *capturing information for activity in the database at the time sampling for each of the one or more active sessions*
- *storing the captured information for each of the active sessions to generate a snapshot of activity in the database for each of the active sessions*

As recited in claim 1, information is captured for activity in the database for one or more active sessions. In claim 1, the active sessions are associated with operations performed

in the database. The captured information in claim 1 is then stored for each active session to generate a snapshot of activity in the database for each of the one or more active sessions.

Applicants respectfully submit that Womble, MacArther, Miller, Cihwsky, or Lu, either individually or in combination, fail to teach or suggest at least the feature of “capturing information for activity in the database at the time sampling for each of the one or more active sessions” as recited in claim 1.

Womble discloses a system capturing the occurrence and timing of “events” arising from subscriber actions and from actions which occur within blocks of software in the telecommunication exchange. (Womble: Col. 3, lines 15-19). In Womble, some or all of these events are then passed to an event filter, which is selectively programmed by a user to eliminate events of no interest and only pass those events of interest. (Womble: Col. 3, lines 45-47). The events of interest in Womble may then be stored, analyzed, and viewed for the purpose of diagnosing and correcting errors within the software or hardware of the exchange. (Womble: Col. 3, lines 53-56).

The Office Action cites Womble for its teachings as allegedly disclosing that monitored data/information is passed through a filter to determine when data/information about at least one operation of a machine/process is indicative of an active state of each monitored part of the machine/process. (Office Action: Page 9, sec. 8.1.1.). However, Applicants respectfully submit that the collection and filtering of events arising from subscriber actions and from actions which occur within blocks of software in the telecommunication exchange as disclosed in Womble, and cited by the Examiner, has nothing to do with capturing information for activity in a database at the time sampling for each of the one or more active sessions as recited in claim 1.

In claim 1, information is captured for activity in a database for each of one or more active sessions. Active sessions in claim 1 are associated with operations performed in the database. In contrast, Womble describes two sources of events arising from subscriber actions and from actions which occur within blocks of software in the telecommunication exchange. (Womble: Col. 3, lines 15-19). In Womble, information about the operations of a machine/process acquired from subscriber actions results from the interaction of a subscriber with a telephone or switch based events, such as calls from other exchanges. (Womble: Col. 3,

lines 34-37). Acquiring information about the operations of a machine/process resultant from subscriber actions (i.e., physical activity of subscribers) or switched-based interactions of telecommunication equipment, as disclosed in Womble, is substantially different from the capture of information for activity in a database as recited in claim 1 for one or more active sessions of the database. In Womble, this first type of information is results from operations of a machine or physical hardware, and not from activity in a database as recited in claim 1.

Additionally, in Womble, information about the operations of machine/process acquired from blocks of software in the telecommunications exchange results from software signals being exchanged between various software blocks, as well as the timing and nature of those internal software actions (i.e., those exchanged software signals). (Womble: Col. 3, lines 38-41). FIG. 3 of Womble shows exemplary software blocks. Womble disclose that the software blocks of FIG. 3 provide software signals for communication among one another. Some of the software signals are directed to the log block for recording. (Womble: Col. 5, lines 9-17). Acquiring information arising from actions (i.e., exchange of software signals) which occur within blocks of software in the telecommunication exchange is different from and does not necessary disclose the capture of information for activity in a database by one or more active sessions of the database as required in claim 1. Further, one ordinarily skilled in the art would recognized that the information collected and the process of collection of the information from software blocks in a switch of Womble (see FIG. 3) is different from the captured information for activity in a database and the process of information capture as recited in claim 1.

Thus, Applicants respectfully submit that Womble fails to teach or suggest the feature recited in claim 1 of “capturing information for each of the one or more active sessions for activity in the database at the time of sampling.”

The Office action acknowledges that Womble also fails to teach or suggest the feature of “determining a plurality of times to sample the database” as recited in claim 1. The Office Action relies on MacArther, Miller, Cihwsky, or Lu for their teachings as allegedly disclosing this feature. However, MacArther, Miller, Cihwsky, and Lu, either individually or in combination, fail to cure the deficiencies of Womble for failing to teach or suggest the feature of

“capturing information for each of the one or more active sessions for activity in the database at the time of sampling” as recited in claim 1.

Applicants further submit that MacArther, Miller, Cihwsky, and Lu, either individually or in combination, fail to teach or suggest the feature of “capturing information for each of the one or more active sessions for activity in the database at the time of sampling” as recited in claim 1. MacArther is directed to monitoring computer controlled industrial processes, and has nothing to do with the capture of information for activity in a database as recited in claim 1. (MacArther: Col. 1, lines 1-6). Miller is directed to collecting and recording data from monitoring apparatuses, which register data from data input stations and the state of monitored physical components. (Miller: Col. 1, lines 12-15). Miller, however, has nothing to do with the capture of information for activity in a database as recited in claim 1. Cihwsky is directed to monitoring of mechanical equipment, and has nothing to do with the capture of information for activity in a database as recited in claim 1. (Cihwsky: Abstract). Lu is directed to monitoring of equipment (see FIG. 1, element 10), and has nothing to do with the capture of information for activity in a database as recited in claim 1. (Lu: Abstract).

In light of the above, Applicants respectfully submit that claim 1 is allowable.

**Claims 2-10, 12-19, 21-27, 29-34, 36, 38, and 39**

Applicants submit that independent claims 13, 22, 31, and 36 are allowable for at least a similar rationale as discussed above for the allowability of claim 1, and others. Applicants submit that dependent claims 2-10 and 12, 14-19 and 21, 23-27 and 29-30, 32-34, and 36-37 that depend directly and/or indirectly from the independent claims 1, 13, 22, 31, and 36 respectively, are also allowable for at least a similar rationale as discussed above for the allowability of the independent claims. Applicants further submit that the dependent claims recite additional features that make the dependent claims allowable for additional reasons.

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PATENT

CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 650-326-2400.

Respectfully submitted,



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